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ATTORNEY DOCKET NO. 040373-0309

*IN THE UNITED STATES PATENT AND TRADEMARK OFFICE*

Applicant: Eiji KASUTANI

Title: IMAGE RETRIEVING APPARATUS, IMAGE RETRIEVING  
METHOD AND RECORDING MEDIUM FOR RECORDING  
PROGRAM TO IMPLEMENT THE IMAGE RETRIEVING  
METHOD

Patent. No.: 7,248,782

Issue Date: 07/24/2007

Examiner: Mishawn N. Dunn

Art Unit: 2621

Confirmation 8365  
Number:

**Certificate**

MAR 21 2008

**of Correction**

**REQUEST FOR RECONSIDERATION OF DENIAL OF REQUEST FOR  
CERTIFICATE OF CORRECTION**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Attention: Ms. Cecilia Newman

Decisions & Certificates of Correction Branch

Sir:

In reply to the Decision for Request of Certificate of Correction mailed October 16, 2007 ("the Decision"), in connection with the above-identified patent, Applicant respectfully requests reconsideration in view of the following:

1. Applicant has requested correction of the subject patent to reflect Applicant's claim to priority under 35 USC 119 based on Japanese Application 2000-307775, filed October 6, 2000. During prosecution of the application, Applicant timely submitted copies of its claim for convention priority as filed September 19, 2001. This submission was accompanied by a certified copy of the Japanese priority application. The Office acknowledged Receipt of Applicant's claim for priority in the Office Action mailed March 8, 2006.

2. The Decision indicates that Applicant failed to fully comply with the requirements of 35 USC 119 on the basis that the application reveals that "conditional requirements were not met." However, as set forth above, Applicant's file indicates that all conditional requirements were in fact met. Consequently, Applicant requests reconsideration of the Decision and acceptance of Applicant's Request for Certificate of Correction filed on August 29, 2007.

3. In support of this request, Applicant submits herewith copies of the documents filed in the U.S. Patent and Trademark Office:

[ X ] Copy of Claim for Convention Priority, date-stamped by the Office on September 19, 2001(1 page).

[ X ] Copy of first page of certified copy of priority document, date stamped by the Office on September 19, 2001 (1 page).

[ X ] Copy of PAIR Image File Wrapper showing receipt date of the Certified Copy of Foreign Priority Application (3 pages).

[ X ] Copy of Office Action Summary issued March 8, 2006, acknowledging Applicant's claim of priority (1 page) .

[ X ] Copy of Decision (1 page).

4. In the event that the Office maintains the prior Decision, Applicant requests clarification as to which specific conditional requirements for Applicant's claim to priority under 35 USC 119 are believed by the Office to have not been met.

Although Applicant believes that no fee is required for this Request, the Commissioner is hereby authorized to charge any additional fees which may be required for this Request to Deposit Account No. 19-0741.

Respectfully submitted,

March 19, 2008

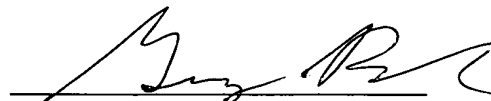
Date

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George C. Beck

Attorney for Applicant

Registration No. 38,072



Atty. Dkt. No. 040373-0309

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Eiji KASUTANI

Title: IMAGE RETRIEVING APPARATUS, IMAGE RETRIEVING METHOD  
AND RECORDING MEDIUM FOR RECORDING PROGRAM TO  
IMPLEMENT THE IMAGE RETRIEVING METHOD

Appl. No.: Unassigned

Filing Date: 09/19/2001

Examiner: Unassigned

Art Unit: Unassigned



**CLAIM FOR CONVENTION PRIORITY**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

The benefit of the filing date of the following prior foreign application filed in the following foreign country is hereby requested, and the right of priority provided in 35 U.S.C. § 119 is hereby claimed.


In support of this claim, filed herewith is a certified copy of said original foreign application:

- JAPAN Patent Application No. 2000-307775 filed 10/06/2000.

Respectfully submitted,

Date September 19, 2001

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Attorney for Applicant  
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Eiji Kasutani  
NECOP176  
40373-309  
(h) US

日 本 国 特 許 庁  
JAPAN PATENT OFFICE

JCS97 U.S. PTO  
09/955142  
09/19/01

別紙添付の書類に記載されている事項は下記の出願書類に記載されて  
いる事項と同一であることを証明する。

This is to certify that the annexed is a true copy of the following application as filed  
with this Office

出 願 年 月 日

Date of Application:

2000年10月 6日

出 願 番 号

Application Number:

特願2000-307775

出 願 人

Applicant(s):

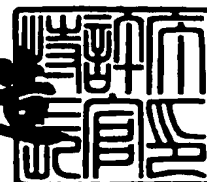
日本電気株式会社

CERTIFIED COPY OF  
PRIORITY DOCUMENT

2001年 7月 6日

特 許 庁 長 官  
Commissioner,  
Japan Patent Office

及 川 耕 造



出証番号 出証特2001-3063617

09/955,142

**IMAGE RETRIEVING APPARATUS, IMAGE RETRIEVING METHOD AND  
RECORDING MEDIUM FOR RECORDING PROGRAM TO IMPLEMENT  
THE IMAGE RETRIEVING METHOD**

03-17-  
2008::11:22:11

**This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click Start Download.**

**Available Documents**

Mail Room Date	Document Code	Document Description	Document Category	Page Count
10-16-2007	CDEN	<b>Post Issue Communication - Request for Certificate of Correction Denied</b>	PROSECUTION	1
08-29-2007	COCIN	Request for Certificate of Correction	PROSECUTION	4
07-04-2007	ISSUE.NTF	Issue Notification	PROSECUTION	1
06-19-2007	IFEE	Issue Fee Payment (PTO-85B)	PROSECUTION	1
06-13-2007	NOA	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	2
06-13-2007	1449	List of References cited by applicant and considered by examiner	PROSECUTION	1
05-14-2007	NOA	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	2
05-09-2007	IDS	Information Disclosure Statement (IDS) Filed	PROSECUTION	5
05-09-2007	FOR	Foreign Reference	PROSECUTION	16
05-09-2007	FOR	Foreign Reference	PROSECUTION	11
03-26-2007	NOA	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	3
03-26-2007	NOA	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	3
03-26-2007	IIFW	Issue Information including classification, examiner, name, claim, renumbering, etc.	PROSECUTION	1
03-26-2007	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
03-26-2007	FWCLM	Index of Claims	PROSECUTION	1
03-26-2007	BIB	Bibliographic Data Sheet	PROSECUTION	1
03-16-2007	SRNT	Examiner's search strategy and results	PROSECUTION	1
03-02-2007	A.NE	Amendment After Final	PROSECUTION	1
03-02-2007	SPEC	Specification	PROSECUTION	1
03-02-2007	CLM	Claims	PROSECUTION	4
03-02-2007	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	4
03-02-2007	OATH	Oath or Declaration filed	PROSECUTION	4
03-02-2007	FRPR	Certified Copy of Foreign Priority Application	PROSECUTION	43
03-02-2007	XT/	Extension of Time	PROSECUTION	3
03-02-2007	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1
11-02-2006	CTFR	Final Rejection	PROSECUTION	9
11-02-2006	1449	List of References cited by applicant and considered by examiner	PRIOR ART	1
11-02-2006	892	List of references cited by examiner	PRIOR ART	1
11-02-2006	FWCLM	Index of Claims	PROSECUTION	1
11-02-2006	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
10-03-2006	IDS	Information Disclosure Statement (IDS) Filed	PROSECUTION	5
10-03-2006	FOR	Foreign Reference	PRIOR ART	63
10-03-2006	NPL	NPL Documents	PRIOR ART	3
09-06-2006	A...	Amendment - After Non-Final Rejection	PROSECUTION	1

09-06-2006	CLM	Claims	PROSECUTION	4
09-06-2006	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	3
09-06-2006	XT/	Extension of Time	PROSECUTION	3
09-06-2006	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1
03-08-2006	CTNF	Non-Final Rejection	PROSECUTION	7
03-08-2006	1449	List of References cited by applicant and considered by examiner	PRIOR ART	2
03-08-2006	892	List of references cited by examiner	PRIOR ART	1
03-08-2006	FWCLM	Index of Claims	PROSECUTION	1
03-08-2006	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
03-08-2006	BIB	Bibliographic Data Sheet	PROSECUTION	1
02-23-2006	SRNT	Examiner's search strategy and results	PROSECUTION	1
02-09-2006	CTNF	Non-Final Rejection	PROSECUTION	7
02-09-2006	892	List of references cited by examiner	PRIOR ART	1
02-09-2006	1449	List of References cited by applicant and considered by examiner	PRIOR ART	1
02-09-2006	FWCLM	Index of Claims	PROSECUTION	1
02-09-2006	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
02-02-2006	IDS	Information Disclosure Statement (IDS) Filed	PROSECUTION	4
02-02-2006	FOR	Foreign Reference	PRIOR ART	35
02-02-2006	NPL	NPL Documents	PRIOR ART	13
02-02-2006	NPL	NPL Documents	PRIOR ART	3
02-02-2006	NPL	NPL Documents	PRIOR ART	3
01-21-2006	SRNT	Examiner's search strategy and results	PROSECUTION	2
03-03-2003	C.AD	Change of Address	PROSECUTION	1
09-19-2001	TRNA	Transmittal of New Application	PROSECUTION	2
09-19-2001	SPEC	Specification	PROSECUTION	31
09-19-2001	CLM	Claims	PROSECUTION	10
09-19-2001	ABST	Abstract	PROSECUTION	1
09-19-2001	DRW	Drawings-only black and white line drawings	PROSECUTION	3
09-19-2001	OATH	Oath or Declaration filed	PROSECUTION	2
09-19-2001	BIB	Bibliographic Data Sheet	PROSECUTION	1
09-19-2001	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1
09-19-2001	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1
09-19-2001	WCLM	Claims Worksheet (PTO-2022)	PROSECUTION	1
09-19-2001	FRPR	Certified Copy of Foreign Priority Application	PROSECUTION	30
09-19-2001	IDS	Information Disclosure Statement (IDS) Filed	PROSECUTION	3
09-19-2001	FOR	Foreign Reference	PRIOR ART	18
09-19-2001	FOR	Foreign Reference	PRIOR ART	13
09-19-2001	136A	Authorization for Extension of Time all replies	PROSECUTION	1

Close Window

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09/955,142	IMAGE RETRIEVING APPARATUS, IMAGE RETRIEVING METHOD AND RECORDING MEDIUM FOR RECORDING PROGRAM TO IMPLEMENT THE IMAGE RETRIEVING METHOD	03-17- 2008::11:22:31
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**Foreign Priority**

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Country	Priority	Priority Date
JAPAN	2000-307775	06-10-2000

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Close Window

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/955,142	KASUTANI, EIJI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mishawn N. Dunn	2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 September 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Date

*October 16, 2007*

Patent No. :7,248,782  
Inventor(s) :Eiji KASUTANI  
Issue :July 24, 2007  
Title :IMAGE RETRIEVING APPARATUS, IMAGE RETRIEVING METHOD  
AND RECORDING MEDIUM FOR RECORDING PROGRAM TO  
IMPLEMENT MEDIUM FOR RECORDING PROGRAM TO IMPLEMENT  
THE IMAGE RETRIEVING METHOD  
  
Docket No :040373-0309

Review of the application file has revealed the omission of the Foreign Priority data on the printed patent as a result of applicant's failure to fully comply with 35 U.S.C. 119, in that conditional requirements were not met. Applicant's attention is directed to MPEP 201.14(a), 37 CFR 1.17(i).

In view of the forgoing, applicant's request in this matter is hereby denied.

Any inquiry concerning this communication should be directed to Ms. A. Green at (703) 308-9380 ext. 123.

For Cecelia Newman  
Decisions & Certificates  
of Correction Branch

(703) 308-9390 or (703) 308- *9380 ext. 123*

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CBN/arg